

1 THE HONORABLE JOHN C. COUGHENOUR*

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7 UNITED STATES DISTRICT COURT
8 FOR THE CENTRAL DISTRICT OF CALIFORNIA
9 WESTERN DIVISION

10 DANIEL DAVID DYDZAK,

11 Plaintiff,

12 v.

13 TANI CANTIL-SAKAUYE, et al.

14 Defendant.

CASE NO. C11-5560-JCC

ORDER TO SHOW CAUSE

15 Plaintiff has filed a Complaint alleging deprivation of constitutional rights under
16 42 U.S.C. § 1983 against numerous United States District Judges (Dkt. No. 1). Other Defendants
17 named in the Complaint were also defendants in a separate Section 1983 action Plaintiff filed in
18 August 2010. *See Dydzak v. George, et al.*, CV 10-5820 SVW (C.D. Cal. 2010). That action was
19 dismissed with prejudice by the District Court. *See id.*, Dkt. No. 16.

20 The doctrine of judicial immunity absolutely bars Section 1983 damages claims against
21 judges when they are performing “judicial acts.” *See Stump v. Sparkman*, 435 U.S. 349 (1978);
22 *Pierson v. Ray*, 386 U.S. 547 (1967). The doctrine applies even if a judge is alleged to have acted
23 maliciously or corruptly, as long as the judge did not act in the “clear absence of all jurisdiction.”
24 *Pierson*, 386 U.S. at 554.

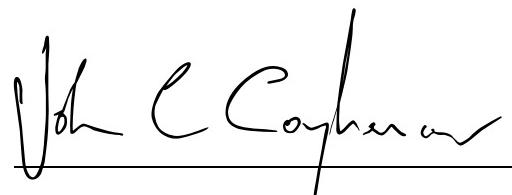
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26 * Designated by Ninth Circuit Chief Judge Alex Kozinski to preside over this case
pursuant to 28 U.S.C. § 292(b).

1 Further, *res judicata* bars the relitigation of matters adjudicated on the merits in a prior
2 action. *Rein v. Providian Fin. Corp.*, 270 F.3d 895, 898-99 (9th Cir. 2001).

3 A court may dismiss a claim *sua sponte* pursuant to Federal Rule of Civil Procedure
4 12(b)(6) for failure to state a claim upon which relief can be granted. *Wong v. Bell*, 642 F.2d 359,
5 361-62 (9th Cir. 1981). Given the apparent applicability of either judicial immunity or *res*
6 *judicata* here, the Court orders Plaintiff to SHOW CAUSE within thirty days of the date of this
7 Order why this action should not be dismissed for failure to state a claim upon which relief can
8 be granted.

9 DATED this 30th day of August 2011.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE